

J. A. RAKOFSKY

INJURY & ACCIDENT LAW, LLC

P.O. BOX 32250 • NEWARK, NJ 07102 • Tel. 888.977.0090 • Fax. 888.977.4711

January 27, 2021

Via Regular mail:

To: Hon. Cathy L. Waldor,
United States Magistrate Judge
United States District Court
District Court of New Jersey
Dr. Martin Luther King, Jr. Courthouse
50 Walnut Street, Room 4040
Newark, NJ 07101

RE: Puello v. United States Postal Service, *et al.*
Docket #: 2:18-cv-13714-CCC-CLW

Dear Judge Waldor,

I hope Your Honor is well. On May 18, 2020, I respectfully advised Your Honor that, “The fact is, it would appear Defendants are playing games with this Court and with Plaintiff. At this time, Defendants have cost us too much time and energy, which, during these difficult times, is not appreciated.” At that time, I also stated, “[w]hile Defendants, technically, provided a response to our Interrogatories, unfortunately, Defendants have not been responsive to any of the propounded Interrogatories...” Unfortunately, since then, little has changed in this regard.

Plaintiff opposes counsel’s request to stay Expert Discovery. This is now the third attorney Defendant has deployed to appear in the instant matter. As Your Honor remembers, at the last Settlement Conference, Defendant was not sufficiently motivated to resolve the matter. Since then, Plaintiff has spent time and money interviewing and retaining experts. It is not right that Defendant now wishes to stay Expert Discovery; obviously, Plaintiff would be prejudiced thereby.

In addition, Plaintiff was required to wait for too long in order to depose Defendant’s agents. Your Honor will remember that I pointed out in my May 18, 2020 letter that, “Defendants flat-out refused to make a witness available. In fact, Defendant’s counsel expressly admitted, ‘Accordingly, USPS cannot produce a witness in response to plaintiff’s letter.’” While we finally deposed Defendant’s agents, at this time, we have waited long enough for Defendant to cooperate fully in this litigation. Now, Defendants wishes to save itself time and money by staying Expert Discovery, while prejudicing Plaintiff in the process. Respectfully, this must not be permitted.

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If Your Honor has any further questions, please do not hesitate to make contact with me. Thank you.

Respectfully submitted,

/s/ Joseph Rakofsky

Joseph Rakofsky, Esq.